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PTO/SB/21 (08-00)

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GP 1538

TRANSMITTAL FORM

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		Application Number	09/811,093
		Filing Date	3/16/2001
		First Named Inventor	Clendennen
		Group Art Unit	1638
		Examiner Name	Mehta, Ashwin D.
Total Number of Pages in This Submission	226	Attorney Docket Number	4257-0025.30

ENCLOSURES (check all that apply)

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Michael J. Atkins
Signature	<i>Michael J. Atkins</i>
Date	October 22, 2002

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date:

Typed or printed name	Shannon Paladini	Date	October 22, 2002
Signature	<i>Shannon Paladini</i>		

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of Clendennen *et al.*

Confirmation No.: 8290

Application No.: 09/811,093

Art Unit: 1638

Filed: March 16, 2001

Examiner: Mehta, Ashwin D.

For: MELON PROMOTERS FOR EXPRESSION OF
TRANSGENES IN PLANTS

Attorney Docket No.: 4257-0025.30

INFORMATION DISCLOSURE STATEMENT AND
STATEMENT UNDER 37 C.F.R. §1.97(e)

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Washington, DC 20231

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Sir:

In accordance with 37 CFR §1.56, this Information Disclosure Statement is being submitted for the above-referenced application.

Applicant requests the Office to consider this Information Disclosure Statement under 37 C.F.R. §1.97 (c). Accordingly, applicant states, pursuant to §1.97 (e) that the information contained in the attached PTO Form 1449 was first cited in the International Search Report from the International Searching Authority in the counterpart PCT application not more than three months prior to the filing of this statement.

In accordance with §1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined by 37 CFR §1.56 exists.

In accordance with §1.97(h), the disclosure contained herein is not intended to constitute an admission that any patent, publication, or other information referred to is "prior art" or "analogous art" for this invention.

The Commissioner is hereby authorized to charge any fees, if necessary, to Deposit
Account No. 50-1108.

Respectfully Submitted,

Dated: October 22, 2002

Michael J. Atkins
Michael J. Atkins Reg. No. 35,431

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 1 of 2

Complete if Known

Application Number	09/811,093
Filing Date	03/16/2001
First Named Inventor	Clendennen
Group Art Unit	1638
Examiner Name	Mehta, Ashwin D.
Attorney Docket Number	4257-0025.30

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FOREIGN PATENT DOCUMENTS

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¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04.

³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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Sheet

2 of 2

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Application Number	09/811,093
Filing Date	03/16/2001
First Named Inventor	Clendennen
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Examiner Name	Mehta, Ashwin D.
Attorney Docket Number	4257-0025.30

OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS

Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		VATSAKI C. ET AL., "Isolation and Characterization of an ACC-synthase Genomic Clone from Melon" EMBL Accession No. Y12008 [online], 27-MAY-1998, [retrieved on 23 September 2002]. Retrieved from the Internet:<URL: http://www.ncbi.nlm.nih.gov/entrez/query.fcgi?cmd=Retrieve&db=nucleotide&list_uids=3168975&doct=GenBank>	
		BIRREN B. ET AL., "Homo sapiens, clone RP11-72A1. complete sequence" EMBL Acession No. AC007483 [online], 27-DEC-2000, [retrieved on 23 September 2002]. Retrieved from the Internet:<URL: http://www.ncbi.nlm.nih.gov/entrez/query.fcgi?cmd=Retrieve&db=nucleotide&list_uids=11991320&doct=GenBank>	
		PERIN C. ET AL., "Molecular and Genetic Characterization of a Non-Climacteric Phenotype in Melon Reveals Two Loci Conferring Altered Ethylene Response in Fruit" Plant Physiology, vol. 129, May 2002 (2002-06), pages 300-309	
		SHELLIE K., "Reduced Ethylene Concentration and Postharvest Quality of Transgenic Netted Melon (Cucumis Melo L.) Expressing 5'-adenosylmethionine Hydrolase" Hortsciece, vol. 36, no. 3, June 2001, page 467	

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